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09/493,487	01/28/2000	Andrew Sharp	34648/00430USPX	2310
27045	7590	08/12/2005	EXAMINER	
ERICSSON INC.			NGUYEN, TU X	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/493,487

Filing Date: January 28, 2000

Appellant(s): SHARP ET AL.

MAILED

AUG 12 2005

Technology Center 2600

Bill R. Naifef
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 13, 2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the

decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-38 and 40-41 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,377,804 Lintulampi 4-2002

2001/0046863 A1 Rinne et al. 11-2001

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-38 and 40-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintulampi (US Patent 6,377,804) in view of Rinne et al. (US Pub. 2001/0046863).

(11) Response to Argument

Appellant arguments file June 13, 2005 have been fully considered but they are not persuasive.

Regarding appellant argument with respect to claims 1, 15 and 40, appellant notes the Examiner defining the term "communications" to be "radio connection" or "radio links". The examiner's definition of "communications" seems to be a moving target which has been redefined over the course of this prosecution. In contrast, the Applicant believes the definition of "communications" should be limited to the definition of the term used in the Specification. For instance, the Applicant's specification defines "communications" as:

Examples of the communication include telephone calls, faxes, downloading of data processor uploading of data....According to the invention, communication includes connections as well as connectionless transfer of information such as....". Therefore, the examiner agrees with appellant that Rinne et al. disclose, "employs multiple simultaneous connections" (see par.102, "simultaneous connections" corresponds to "simultaneous communications"). Also, there are connections (negotiations for connection and registrations, etc.) in order to provide paths for data communications as disclosed by Rinne et al. (see par.012). The term "communications" as appellant's

acknowledge that is a broad definitions including :fax, email, voice video, transfer, connections, etc. Therefore, "connections" as describes by Rinne reads on "communications" with reasonable broadest interpretation.

Appellant argument that "Assuming that the term communication as that term is defined by the Applicant could somehow be found in Rinne, there is still no motivations for combining". However, Rinne et al. provides active set for multiple connections (see Rinne et al., par.0102) and Lintulampi are both in the same field of endeavor, handover between two networks UMTS and GSM.

Regarding to claims 29-30, Appellant traversed the use of "Official notice" and requested that the Examiner "provide such supporting facts and evidence in the form of an affidavit". The Examiner apologizes for the omitted reference cited for Applicant's response dated September 7, 2004. Hereby, a cited reference to facilitate claim limitations "wherein the presettings can be different/identical for mobile user (see Salmivalli, US Patent 6,324,399, col.4 lines 44-50).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Tu Nguyen
July 26, 2005

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